

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Willow Run Condominium Homeowners Association, Inc.,)	C/A No.: 4:16-2705-RBH-TER
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
Braxton Road, LLC,)	
)	
Defendant.)	
)	

This is a civil action brought by a homeowners association in state court concerning state law claims of foreclosure of an association lien and money judgment for past due assessments. The Defendant, Braxton Road, LLC filed a Notice of Removal from the Horry County Court of Common Pleas, paid the required filing fee, and filed answers to Local Rule 26.01 Interrogatories in this Court. Hence, the above-captioned case has been referred to the undersigned United States Magistrate Judge.

Braxton Road, LLC is hereby apprised that it cannot appear *pro se* in this civil action. The Defendant is not an individual and must retain counsel in order to proceed. The United States Supreme Court has stated, “the lower courts have uniformly held that 28 U.S.C. § 1654, providing that ‘parties may plead and conduct their own cases personally or by counsel,’ does not allow corporations, partnerships, or associations to appear in federal court otherwise than through a licensed attorney.” *Rowland v. Calif. Men’s Colony*, 506 U.S. 194, 202 (1993) (citations omitted). An LLC is a business entity and is governed by the same rule as partnerships and corporations in regard to representation only through a licensed attorney. *See Gilley v. Shoffner*, 345 F. Supp. 2d

563, 566-67 (M.D. N.C. 2004).

It necessarily follows from the jurisprudence prohibiting *pro se* representation of a business entity that any pleading filed by a lay person must be disregarded as a nullity if counsel is not retained by Braxton Road, LLC. Mr. Yates lacks standing to remove this action to federal court, and as such if counsel is not retained, this Court does not have subject matter jurisdiction over this action. *See also In re Tamojira, Inc.*, 20 Fed. Appx. 133, 134 (4th Cir. 2001)(*per curiam*). In context of a removed case, such a determination would require remand to state court. As such, the Defendant, Braxton Road, LLC, must obtain counsel and counsel must file a Notice of Appearance in this Court within 30 days from the date this order is entered. If no counsel is retained, this action will be required to be remanded to state court.

IT IS SO ORDERED.

s/ Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

August 9, 2016
Florence, South Carolina